

## Message Text

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ACTION DLOS-04

INFO OCT-01 AF-06 EUR-12 EA-07 IO-10 ISO-00 INT-05 ARA-06

NEA-10 CEA-01 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OIC-02

AID-05 CEQ-01 OFA-01 COME-00 EB-07 EPA-01 NSF-01

OES-03 FEA-01 ACDA-05 CG-00 ERDA-05 AGR-05 DOTE-00

FMC-01 JUSE-00 OMB-01 CIEP-01 TRSE-00 /148 W

----- 045797

P R 090925Z OCT 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 3968

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY YAOUNDE

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 TOKYO 14460

DEPARTMENT FOR TUCKER SCALI

DEPARTMENT PASS INTERIOR FOR RATINER

E.O. 11652: GDS

TAGS: PLOS

SUBJ: GOJ TALKS WITH COMMITTEE I CHAIRMAN ENGO

1. FOLLOWING IS ACCOUNT PROVIDED EMBOFF BY MOFA LOS  
DIRGEN IGUCHI OF HIS REVIEW OF COMMITTEE I MATTERS  
WITH CHAIRMAN PAUL ENGO ON OCTOBER 8.

2. IGUCHI HAD FULL DAY OF DISCUSSION WITH ENGO. THEY  
DISCUSSED THE SCHEDULE FOR THE NEGOTIATIONS, ARTICLE 22  
(WHO WILL EXPLIT SEABEDS), QUOTA SYSTEM, ECONOMIC  
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PLANNING, THE INTERNATIONAL AUTHORITY, AND BRIEFLY

TOUCHED ON QUESTIONS OF SCIENTIFIC RESEARCH, FINANCING AND PROVISIONAL APPLICATION OF COVENANT. THE INTERNATIONAL REGIME AND CONDITIONS OF EXPLOITATION (ANNEX) WERE NOT DISCUSSED IN DETAIL. IN DISCUSSION OF BASIC POINTS, IGUCHI CONTINUED TO MAINTAIN OPTION D AS AGREED AT GROUP OF FIVE MEETING IN NEW YORK.

3. SCHEDULING OF MEETINGS. ENGO MADE IT CLEAR HE CANNOT COME TO NEW YORK IN NOVEMBER, BUT HE THINKS IT WILL BE USEFUL TO USE UNGA SESSION FOR AN OPEN-ENDED MEETING OF ALL INTERESTED STATES, FOR A PRELIMINARY EXCHANGE OF VIEWS. ENGO WAS EXTREMELY VAGUE AS TO WHOM HE MIGHT DEPUTIZE TO PRESIDE. A SECOND MEETINGS OF SELECTED REPRESENTATIVES MUST BE HELD IN YAOUNDE OR POSSIBLY KINGSTON.

4. METHOD OF INFORMAL CONSULTATIONS. ENGO THOUGHT THAT AMENDMENTS SHOULD BE INFORMALLY AND CONFIDENTIALLY SUBMITTED TO HIM AND, AFTER STUDY, HE WOULD PROPOSE IN YAOUNDE AMENDMENTS TO THE SINGLE TEXT. ENGO DOES NOT EXCLUDE THE POSSIBILITY OF STATES PROPOSING FORMAL AMENDMENTS AT LOS PLENARY CONFERENCE, BUT SHOWED NO INTENTION OF YIELDING THE ROLE OF COORDINATING AMENDMENTS TO SINGLE TEXT IN YAOUNDE TO ANYONE.

5. ARTICLE 22. IGUCHI HAD HEARD THAT AT OKINAWA PACEM IN MARIBUS CONFERENCE ENGO HAD DECLARED THAT JOINT VENTURE, AND NOT DIRECT EXPLOITATION BY SEABED AUTHORITY, SHOULD BE THE "ESSENTIAL VEHICLE" FOR EXPLOITATION OF SEABEDS. IGUCHI ATTEMPTED TO GET ENGO TO REPEAT STATEMENT IN TOKYO, BUT HERE HE WAS VERY EVASIVE. APPARENTLY HE HAD BEEN CRITICIZED SUBSEQUENTLY BY LDC COLLEAGUES, ESPECIALLY TRINIDAD REPRESENTATIVE. ENGO DID NOT, HOWEVER, CRITICIZE POSITION EXPRESSED BY JAPANESE THAT STATE AND PRIVATE ENTERPRISES SHOULD COMPETE ON EQUAL FOOTING WITH INTERNATIONAL AUTHORITY. REGARDING EXPLOITATION OF TEN MINING SITES (ART. 22 PARA 3),  
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IT BECAME CLEAR ENGO LINKED OPENING OF SITES TO IDEA OF PRODUCTION CONTROL. SHOULD EXPLOITATION OF SITES THREATEN OVERSUPPLY AND CONSEQUENT ADVERSE IMPACT ON LAND PRODUCERS, ENGO BELIEVED, NUMBER OF SITES SHOULD BE REDUCED TO SEVEN OR LESS. ENGO STATED FURTHER THAT PROVISION OF PARA. 4 WHICH RELATES TO ENTERPRISE RESERVING ITS OWN AREA IS PRECISELY INTENDED FOR POSSIBLE PRODUCTION CONTROL.

ENGO DID CONFIRM THAT IN THE TEN SITES AN EQUAL QUOTA SYSTEM WOULD NOT APPLY.

6. ALLOCATION OF CONTRACTS. ENGO IS RESOLUTELY AGAINST AUTOMATIC APPROVAL. HE HELD THAT A PRIOR APPROVAL SYSTEM (PRODUCTION CONTROL) IS ESSENTIAL FOR PROTECTION OF LAND PRODUCERS. THE JAPANESE PRESSED HIM VERY STRONGLY ON THIS POINT. ENGO SAID THAT THE BASIC CONDITIONS PROMISE A FAIRLY FLEXIBLE APPROVAL SYSTEM. JAPANESE EXPRESSED FIRM OPPOSITION TO EQUAL QUOTA SYSTEM. ENGO TOOK NOTE, BUT SAID PARA. 8 OF BASIC CONDITIONS ESTABLISH MAXIMUM CEILING UNDER WHICH THERE IS ROOM FOR EQUITABLE RPT EQUITABLE DISTRIBUTION OF QUOTA. JAPANESE RAISED POINT OF SPECIAL CONSIDERATION OF IMPORT NEEDS OF CERTAIN COUNTRIES, SAYING THAT JAPAN WOULD HAVE TO RESERVE POSITION. IF AUTOMATIC APPROVAL SYSTEM NOT ADOPTED, JAPAN MAY OFFER ADDITIONAL PROVISION FOR PROTECTING COUNTRY IN NEED OF IMPORTING SEABED RESOURCES.

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7. ECONOMIC PLANNING. JAPANESE STATE OPPOSITION TO ANY KIND OF PRICE OR PRODUCTION CONTROL. CONTRACTS WHICH ARE ALREADY AWARDED SHOULD BE RESPECTED. ENGO ANSWERED THAT TENURE OF CONTRACT IS POINT HE THOUGHT HE COULD ACCOMMODATE, INDEED HE BELIEVES IT IS ALREADY GUARANTEED IN PARAS. 11 AND 14 OF BASIC CONDITIONS. JAPANESE GOT IMPRESSION THAT ENGO'S NOTION IS OF PRODUCTION CONTROL MAINLY THROUGH CONTROL OF NEW ENTRANTS AND OPENING OF NEW SITES, RATHER THAN BY SUSPENSION OF EXISTING CONTRACTS.

8. JOINT VENTURE FORMULA. JAPANESE MADE IT CLEAR THEY WOULD ONLY ACCEPT PROFIT-SHARING. ENGO DECLARED THAT PRODUCTION SHARING IS NECESSARY AND THAT AUTHORITY SHOULD HAVE RIGHTS OVER EXPLOITED MINERALS  
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UNLESS RIGHT TO PRODUCTS AND TRANSFER OF TECHNOLOGY IS GUARANTEED.

9. THE ECONOMIC PLANNING COMMISSION. JAPAN PRESSED FOR THE FOUR POWER AMENDMENT TABLED IN GENEVA. ENGO SAID PARAS. 2 AND 3 OF ARTICLE 30 ARE NUTRAL; THEY DON'T ESPECIALLY FAVOR THE PRODUCER, AND THE COMMISSION WILL CONSIDER THE CONSUMER'S INTEREST AS WELL AS THAT OF LAND-BASED PRODUCERS. JAPAN DISAGREED; GOJ HELD THAT CONSUMER (IMPORTER) POSITION SHOULD BE MORE CLEARLY REFLECTED IN THE ARTICLE.

10. COUNCIL AND MACHINERY. JAPAN SUGGESTED FRENCH FORMULA. ENGO WAS ADAMENT THAT ASSEMBLY SHOULD HAVE OVERALL POWER AND GIVE INSTRUCTIONS TO COUNCIL. HE OPPOSED ANY INTEREST GROUP HAVING SPECIAL POSITION IN ASSEMBLY. HE ALSO EXPRESSED VIEW THAT COMPOSITION OF COUNCIL AS IN SINGLE TEXT WOULD GIVE SUFFICIENT GUARANTEE TO DC'S IF DC'S VOTED IN BLOC.

11. DISPUTE SETTLEMENT. ENGO DEFENDED SINGLE TEXT. HE DIDN'T LIKE NOTION OF ICJ ROLE ON SEABED DISPUTES.

12. SCIENTIFIC RESEARCH AND GENERAL SURVEY. ENGO IS CONCERNED THAT IF TOO MUCH FREEDOM IS GIVEN IN

SCIENTIFIC RESEARCH, DISSEMINATION OF RESULTS  
CANNOT BE GUARANTEED. HE SOUGHT TO ASSURE THAT  
LDC'S WILL ACQUIRE FRUITS OF RESEARCH. JAPAN  
PROPOSED THAT GENERAL SURVEYS SHOULD BE CONDUCTED  
FREELY UPON NOTIFICATION TO AUTHORITY. ENGO  
INSISTED THAT SURVEYS MUST BE CONTRACTED WITH  
AUTHORITY, BECAUSE HE DOUBTS THAT GENERAL SURVEY  
CAN BE DISTINGUISHED OBJECTIVELY FROM EVALUATION  
AND EXPLORATION. HE SAID HE HAS NEVER RECEIVED ANY  
DATA FROM DC'S WHICH RELIEVE HIS DOUBTS. JAPAN  
STRESSED THAT DISTINCTION IS TECHNICALLY POSSIBLE.  
ENGO SAID AUTHORITY SHOULD CONTROL GENERAL SURVEYS  
BY HAVING ON ITS STAFF COMPETENT SCIENTIFIC PERSONNEL.  
SINCE PRIVATE OR STATE ENTERPRISE WHICH WOULD  
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CONTRACT WITH AUTHORITY TO MAKE SURVEY WOULD BE GIVEN  
PRIORITY FOR FURTHER CONTRACT TO EXPLORE AND EVALUATE,  
ITS POSITION WOULD BE PROTECTED.

13. FINANCE. JAPAN EXPRESSED GROUP OF FIVE POSITION  
AGAINST COMPULSORY CONTRIBUTIONS. ENGO SAID HE COULD  
CONSIDER A TIME LIMIT ON ASSESSMENTS, AFTER WHICH  
AUTHORITY SHOULD BE SELF-SUPPORTING.

14. PROVISIONAL APPLICATION. JAPAN EXPLAINED ITS  
PROBLEMS WITH THIS SECTION AND ENGO PROMISED TO  
STUDY THE MATTER FURTHER.  
SHOESMITH

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## Message Attributes

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**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Disposition Remarks:**  
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**Enclosure:** n/a  
**Executive Order:** GS  
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**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
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**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 27 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <27 MAY 2003 by CunninFX>; APPROVED <07 OCT 2003 by CunninFX>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** GOJ TALKS WITH COMMITTEE I CHAIRMAN ENGO  
**TAGS:** PLOS, JA, (IGUCHI), (ENGO)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006